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7 415/433-4949 F: 415/433-7311

8 Attorneys for Plaintiff  
EDUARDO CARIAS

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

13 EDUARDO CARIAS, on behalf of himself  
and all others similarly situated,

14 No. 3:07-cv-00083 SC

15 Plaintiff,

16 vs.

17 LENOX FINANCIAL MORTGAGE  
CORPORATION, LSI TITLE COMPANY;  
18 and DOES 1 through 25,

19 Defendants.

STIPULATION AND PROPOSED  
SECOND AMENDED SCHEDULING  
ORDER

20 The Court issued a First Amended Scheduling Order on  
21 outstanding discovery issues that remain unresolved between plaintiff and defendant Lenox  
22 Financial Mortgage Corporation that relate to the schedule for briefing and hearing the pending  
23 summary judgment motions. Plaintiff filed a Motion to Compel Discovery on August 3, 2007,  
24 which is not due for hearing until the date assigned by the Court, September 7, 2007, which is  
25 well after plaintiff's oppositions to the summary judgment motions are due under the current  
26 Scheduling Order. The Court referred the discovery motion to Magistrate Judge Zimmerman.  
27 Because plaintiff contends that he cannot respond fully to the pending motions for summary  
28



1 judgment until Judge Zimmerman resolves the pending discovery motion and Lenox complies, it  
2 is necessary that the briefing and hearing schedule be deferred by approximately eight weeks,  
3 resulting in resolution of the discovery issues, and that all other dates in the case be adjusted  
4 accordingly.

5 The parties have met and propose that the Court amend its outstanding Scheduling Order  
6 by extending existing dates as indicated below, subject to further Order of Court:

7 Plaintiff's Opposition to Summary Judgment Motions to be filed: the date shall be  
8 extended from August 27, 2007 to October 22, 2007

9 Defendants' Replies to Summary Judgment Motions to be filed: the date shall be  
10 extended from September 10, 2007 to November 12, 2007.

11 Hearing of Summary Judgment Motions: the date shall be continued from September 21,  
12 2007 at 10:00 a.m. to November \_\_, 2007 at 10:00 a.m.

13 Class certification motion to be filed: the date shall be extended from November 19, 2007  
14 until January 21, 2008.

15 Class certification opposition to be filed: the date shall be extended from December 17,  
16 2007 to February 18, 2008.

17 Class certification reply to be filed: the date shall be extended from December 31, 2007  
18 to March 3, 2008.

19 Class certification motion hearing: the date shall be continued from January 11, 2008 at  
20 10:00 a.m. until March \_\_, 2008 at 10:00 a.m.

21 Exchange of expert disclosures and reports: the date shall be extended from February 8,  
22 2008 until April 4, 2008.

23 Cut-off for all discovery other than experts: the date shall be extended from February 8,  
24 2008 until April 4, 2008.

25 Cut-off for expert discovery: the date shall be extended from March 3, 2008 until May 5,  
26 2008.

27 Dispositive motions to be filed: the date shall be extended from March 3, 2008 until May  
28 5, 2008.

1 Dispositive motion oppositions to be filed: the date shall be extended from March 24,  
2 2008 until May 19, 2008.

3 Dispositive motion replies to be filed: the date shall be extended from April 4, 2008 until  
4 May 30, 2008.

5 Dispositive motions hearing: the date shall be extended from April 25, 2008 at 10:00 a.m.  
6 until June \_\_\_, 2008 at 10:00 a.m.

7 Pretrial Conference: the date shall be continued from April 2, 2008 at 10:00 a.m. to June  
8 \_\_\_, 2008 at 10:00 a.m.

9 Trial: the date shall be continued from May 5, 2008 until July \_\_\_, 2008 at 9:30 a.m.

10 August 27, 2007

LEVY, RAM & OLSON LLP

12 By Arthur D. Levy  
13 Arthur D. Levy

14 August \_\_\_, 2007

BERDING & WEIL, LLP

15 By: \_\_\_\_\_  
16 Jeffrey B. Cereghino

17 August \_\_\_, 2007

THE DAVIS LAW FIRM

18 By: \_\_\_\_\_  
19 James Smith

20 August \_\_\_, 2007

KEESAL, YOUNG & LOGAN

21 By: \_\_\_\_\_  
22 Ben Suter

23 ORDER

24 Good cause appearing, the Court hereby approves the Stipulation and amends its prior  
25 Case Management Order as set forth above. It is so ORDERED.

28 Dated: August \_\_\_, 2007

UNITED STATES DISTRICT JUDGE

STIPULATION AND PROPOSED SECOND AMENDED  
SCHEDULING

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2 2008 until May 19, 2008.

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10 August \_\_\_, 2007

LEVY, RAM & OLSON LLP

12 By \_\_\_\_\_  
13 Arthur D. Levy  
14 August 21, 2007

BERDING & WEIL, LLP

15 By: \_\_\_\_\_  
16 Jeffrey B. Cereghino  
17 August \_\_\_, 2007

THE DAVIS LAW FIRM

18 By: \_\_\_\_\_  
19 James Smith  
20 August \_\_\_, 2007

KEESAL, YOUNG & LOGAN

21 By: \_\_\_\_\_  
22 Ben Suter  
23

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27  
28 Dated: August \_\_\_, 2007

UNITED STATES DISTRICT JUDGE

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LEVY, RAM & OLSON LLP

12 By \_\_\_\_\_  
13 Arthur D. Levy

14 August \_\_\_, 2007

BERDING & WEIL, LLP

15 By \_\_\_\_\_  
16 Jeffrey B. Cereghino

17 August 24, 2007

THE DAVIS LAW FIRM

18 By: JS \_\_\_\_\_  
19 James Smith

20 August \_\_\_, 2007

KEESAL, YOUNG & LOGAN

21 By: \_\_\_\_\_  
22 Ben Suter

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24 ORDER

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10 August \_\_\_, 2007

LEVY, RAM & OLSON LLP

12

By \_\_\_\_\_

Arthur D. Levy

13

14

August \_\_\_, 2007

BERDING & WEIL, LLP

15

16

By: \_\_\_\_\_

Jeffrey B. Cereghino

17

August \_\_\_, 2007

THE DAVIS LAW FIRM

18

19

By: \_\_\_\_\_

James Smith

20

August 11, 2007

KEESAL, YOUNG & LOGAN

21

By: \_\_\_\_\_

Ben Suter

22

23

ORDER

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26

27

Dated: August \_\_\_, 2007

UNITED STATES DISTRICT JUDGE

STIPULATION AND PROPOSED SECOND AMENDED  
SCHEDULING

**PROOF OF SERVICE**

1 I, Cheryl F. Pritchard, state:

2 I am a citizen of the United States. My business address is 639 Front Street, Fourth Floor,  
3 San Francisco, CA 94111. I am employed in the City and County of San Francisco where this  
4 mailing occurs. I am over the age of eighteen years and not a party to this action. On August 24,  
5 2007, I served the foregoing document described as:

**STIPULATION AND PROPOSED SECOND AMENDED SCHEDULING ORDER**

6 on the following person(s) in this action addressed as follows:

7  
8 Mr. James Smith  
9 Mr. Robert Cameron Fortner  
The Davis Law Firm  
A Professional Corporation  
10 625 Market Street  
Twelfth Floor  
11 San Francisco, CA 94105

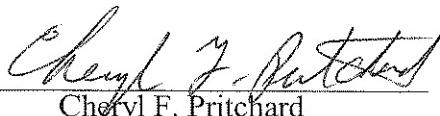
Jeffrey B. Cereghino, Esq.  
Steven R. Weinmann, Esq.  
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3240 Stone Valley Road West  
Alamo, CA 94507

12 Ben Suter  
13 Keesal, Young & Logan  
A Professional Corporation  
Four Embarcadero Center  
14 Suite 1500  
15 San Francisco, CA 94111

16 X **BY FIRST CLASS MAIL** - I am readily familiar with my firm's practice for  
17 collection and processing of correspondence for mailing with the United States  
Postal Service, to-wit, that correspondence will be deposited with the United States  
18 Postal Service this same day in the ordinary course of business. I sealed said  
envelope and placed it for collection and mailing this date, following ordinary  
19 business practices.

- 20  **BY PERSONAL SERVICE**: - I caused such envelope(s) to be delivered by hand this date  
to the offices of the addressee(s).
- 21  **BY OVERNIGHT MAIL** - I caused such envelope to be delivered by a commercial  
carrier service for overnight delivery to the office(s) of the addressee(s).
- 22  **BY FACSIMILE** - I caused said document to be transmitted by Facsimile machine to the  
23 number indicated after the address(es) noted above.

24 I declare under penalty of perjury under the laws of the State of California that the  
25 foregoing is true and correct and that this declaration was executed on August 24, 2007, at San  
26 Francisco, California.

27  
28   
Cheryl F. Pritchard